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Attorneys for Defendants:  
City of San Jose and Robert Davis

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHRISTINA SANCHEZ, an individual,  
Plaintiff,

v.

CITY OF SAN JOSE; ROBERT DAVIS in his  
capacity as CHIEF OF POLICE OF THE SAN  
JOSE POLICE DEPARTMENT; and DOES 1  
THROUGH 75, individually and in their  
official capacities as employees of the CITY  
OF SAN JOSE; and DOES 76-100  
individually, inclusive,  
Defendants.

Case No. C06-06331 JW

JOINT STIPULATION AND  
[PROPOSED] ORDER TO MODIFY  
SCHEDULING ORDER

1 Plaintiff by and through her counsel of record, Bryan Vereschagin of Gonzalez & Leigh  
2 LLP, and defendants by and through their counsel of record, Michael J. Dodson of the San Jose  
3 City Attorneys' Office have met and conferred and agreed that all parties need to modify the  
4 Court's Scheduling Order.

5 Good cause exists for the parties' joint stipulation to modify the Court's Scheduling  
6 Order. It is necessary because of: (1) unforeseen difficulties in identifying the City of San Jose  
7 Police Officers involved in the incident with Christina Sanchez (the incident was captured by  
8 KPIX 5 camera crews, but the video footage is grainy, and the City of San Jose has not been able  
9 to identify the 2 officers involved in the incidents giving rise to plaintiff's claims); and (2)  
10 difficulties in scheduling the depositions of many third-party witnesses to the incident due to the  
11 fact that they are other unidentified San Jose police officers or college students with conflicting  
12 class schedules and, in some instances, changed addresses.

13 Plaintiff, a San Jose State University student, filed this lawsuit on October 10, 2006. The  
14 lawsuit asserts claims against DOE defendant officers of the San Jose Police Department, the  
15 City of San Jose and Police Chief Robert Davis for constitutional violations under 42 U.S.C.  
16 section 1983 in addition to claims for assault and battery. The incident giving rise to plaintiff's  
17 claim occurred during the year 2006 Mardis Gras celebration in downtown San Jose. At some  
18 point around midnight, an incident occurred between plaintiff and certain unidentified San Jose  
19 police officers wherein plaintiff was shoved into the concrete wall outside of City Hall in San  
20 Jose and struck with a baton in her rib cage. Plaintiff suffered a fractured rib. The incident was  
21 captured on video by KPIX, but the footage is not clear, and approximately 8 officers are shown  
22 on the video, but only two were involved in the force deployed against plaintiff. Presently, the  
23 identity of the officers who deployed force against plaintiff has not been able to be determined  
24 by the City of San Jose. Plaintiff cannot maintain her non-Monell 42 U.S.C. section 1983 claims  
25 unless the officers who deployed force against her are identified by the City of San Jose, as there  
26 is no respondeat superior liability under 42 U.S.C. section 1983. Plaintiff will need to add the  
27 officers involved in her incident as defendants once identified.

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Given the problems in identifying the officers involved in the incident with plaintiff, and significance to plaintiff's claims in identifying said officers, all parties have stipulated and agreed that the Court's Scheduling Order should be modified as follows:

1. Close of All Non- Expert Discovery: November 30, 2007
2. Expert Disclosures: November 30, 2007
3. Close of Expert Discovery: January 19, 2008
4. Last Day for hearing dispositive motions: February 25, 2008
5. Preliminary Pretrial Conference Statements: April 11, 2008
6. Preliminary Pretrial Conference: April 21, 2008
7. Last day to add parties: Dependent upon when identified.
8. Trial: To be set at Preliminary Pretrial Conference

Dated: June 12, 2007

GONZALEZ & LEIGH, LLP

By: /s/ Bryan Vereschagin  
BRYAN VERESCHAGIN  
Attorneys for Plaintiff  
CHRISTINA SANCHEZ

Dated: June 12, 2007

CITY OF SAN JOSE

By: /s/ Michael J. Dodson  
MICHAEL J. DODSON  
Attorneys for Defendants  
CITY OF SAN JOSE AND  
ROBERT DAVIS

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED:

Dated: June 14 2007

  
THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE